

Appln No. 10/728803  
Amdt. Dated: October 03, 2006  
Response to Office Action of August 22, 2006

7

### **REMARKS/ARGUMENTS**

In response to the Examiner's final Office Action of August 22, 2006 the Applicant respectfully submits the accompanying Amendment to the claims and the below Remarks.

#### ***Regarding Amendment***

In the Amendment:

independent claims 1 and 19 are amended to omit the recitation of the relative thickness of the electrodes and heater element and to recite that the heater is formed by layers of a single material such that the heater element and electrodes are formed of the same material, albeit with the electrodes being formed with more layers of that material than the heater element. Support for this amendment can be found, for example, at page 11, lines 24-30, page 15, lines 10-37 and page 18, lines 4-12 of the present specification; and dependent claims 2-8, 10-18, 20-27 and 29-37 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application, nor any new issues to the prosecution of the present application.

#### ***Regarding 35 USC 102(b) Rejections***

It is respectfully submitted that the subject matter of above-described amended independent claims 1 and 19, and the claims dependent therefrom, is not disclosed by previously cited Kubby, for at least the following reasons.

In the final Office Action, the Examiner maintains that the element 20 of Kubby corresponds to the claimed heater element and the element 24 of Kubby corresponds to the claimed electrodes. In the arrangement disclosed by Kubby, the element 20, and element 22, are specific doped regions of the polysilicon material forming the suspended portions 18 of the legs 19, and the element 24 is a layer of aluminium disposed over the polysilicon material of the legs (see col. 3, line 50-col. 4, line 22 of Kubby).

Thus, it is clear that in the arrangement of Kubby, the "electrodes" 24 are not formed of the same material as the "heater elements" 20/22.

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8

On the other hand, in the present invention, as recited in amended independent claims 1 and 19, the heater is formed by layers of a single material and the heater element and electrodes of the heater are defined by having a portions of the heater corresponding to the heater element formed with less layers of the single material than the portions of the heater corresponding to the electrodes. This defines the electrodes relative to the heater element due to the thinner heater element providing most of the electrical resistance for heat dissipation (see page 11, lines 24-30, page 15, lines 10-37 and page 18, lines 4-12 of the present specification).

Therefore, the subject matter of amended independent claims 1 and 19, and the claims dependent therefrom, is not disclosed, nor suggested, by Kubby.

***Regarding 35 USC 103(a) Rejections***

It is respectfully submitted that the subject matter of above-described amended independent claims 1 and 19, and the claims dependent therefrom, is not taught or suggested by Kubby in view of any one or more of previously cited DeMoor, Silverbrook, Feinn and Kashino, for at least the reasons preciously discussed by the Applicant in the prosecution of the present application.

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s:



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